S.B.Criminal Revision Petition No.799/2007

Rajendra Prakash vs. State of Raj.& Anr.

16.8.2007

HON'BLE MR.JUSTICE G.S.SARRAF

Mr.Ashvin Garg for the petitioner.
Mr.B.K.Sharma, P.P.
Mr.V.K.Pareek for respondent No.2.

This revision petition is directed against the judgment dated 25.7.2007 passed by Additional Sessions Judge No.2, Ajmer in criminal appeal No.34/2007 (157/2007) by which he has dismissed the appeal of the accused petitioner and affirmed the judgment dated 9.5.2007 passed by Judicial Magistrate No.3, Ajmer whereby the accused petitioner was convicted under Section 138 of the Negotiable Instruments Act (hereinafter referred to as `the Act') and was sentenced to undergo simple imprisonment for one year and to pay Rs.50,000/- as compensation under Section 357 Cr.P.C. to the complainant respondent No.2.

Learned counsel for the petitioner and the learned counsel for the respondent have filed a compromise duly attested by Deputy Registrar (Judl.) and they submit that the matter has been compromised between the parties and the respondent No.2 has received the entire amount therefore, a prayer is made that conviction and sentence

imposed on the petitioner may be quashed.

Offence punishable under Section 138 of the Act is compoundable in view of Section 147 of the Act and as such it is proper that prayer of the parties seeking to settle the dispute and requesting for setting aside the conviction and sentence should be allowed.

Consequently, the revision petition is allowed and conviction of the petitioner under Section 138 of the Act and the sentence imposed upon him are set aide and the petitioner is acquitted.

The petitioner is in jail. Therefore, he shall be released forthwith if not required in any other case.

(G.S.Sarraf),J.

bairwa